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MAR 22 1958

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In the Supreme Court

OF THE

United States

OCTOBER TERM, 1957

No. 415

COUNTY OF MARIN, COUNTY OF CONTRA COSTA,
MARIN COUNTY FEDERATION OF COMMUTERS
CLUBS, and CONTRA COSTA COUNTY COM-
MUTERS ASSOCIATION,

Appellants,

vs.

UNITED STATES OF AMERICA, INTERSTATE COM-
MERCE COMMISSION, GOLDEN GATE TRANSIT
LINES, PACIFIC GREYHOUND LINES, and THE
GREYHOUND CORPORATION,

Appellees.

Appeal from Judgment, of the United States District Court
for the Northern District of California,
Southern Division.

SUPPLEMENTAL BRIEF OF APPELLANTS.

SPURGEON AVAKIAN,

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Of Counsel.

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SUPPLEMENTAL BRIEF OF APPELLANTS.

After the filing of the brief of appellants herein on
March 6, 1958, counsel for appellants learned of an

unpublished decision of the Public Service Commission of the State of Missouri dated April 29, 1940, which relates to *Columbia Motor Service Co.—Purchase—Columbia Terminals Co.*, 35 M.C.C. 531 (1940), cited and discussed at page 38 of brief of appellants.

The unpublished decision is set out in the appendix hereto, and a certified copy thereof is being filed with the clerk simultaneously with the filing of this supplemental brief.¹

As the decision of the Missouri Public Service Commission shows, the transfer of the intrastate operating rights in the *Columbia Motor Service Co.* case, *supra*, was consummated pursuant to the specific approval of the State Commission, upon the application of the carriers involved, *and not under the authority of the Interstate Commerce Commission order.*

It is clear, therefore, that the parties to that proceeding did not claim that the plenary and exclusive authority of the Interstate Commerce Commission under Section 213 (the predecessor of Section 5 of the Interstate Commerce Act) extended to the split-up of Columbia Terminals Company's intrastate operating rights.

To point to the *Columbia Motor Service* case as support for the construction that the Interstate Commerce Commission has exclusive jurisdiction over the transfer of intrastate rights in a split-up is to at-

¹On March 11, 1958, counsel for appellants furnished counsel for all appellees with a copy of said decision and notified them of his intention to call the same to the attention of the Court.

tribute to that decision greater scope and meaning than the parties themselves gave to it at the time.

Dated, March 19, 1958.

Respectfully submitted,

SPURGEON AVAKIAN,

Attorney for Appellants.

LELAND H. JORDAN,

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FRANCIS W. COLLINS,

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(Appendix Follows.)